

**Introduction:**

The last decade received attention on interaction between IHL and IHRL and their possible overlap and implementation. This becomes more difficult when minors are concerned, especially when they are actively or passively involved in armed conflicts. Despite progress, challenges remain. Of the estimated 26 million displaced population, half are children and young people, who continue to become targets of militias, armed groups and result in being combatants, sex slaves, labours, porters or exploited and violated in other ways. This situation is further exacerbated due to the changing nature of contemporary conflicts and armed violence. This leads to the discussion of attainable age of criminal responsibility. Hundreds of thousands of children are in detained places, held by either state authorities or armed groups with varied reasons. An increasing number held in immigration cases raises further questions. When violations are occurring within a country's territory, redress and accountability can be sought but when on disputed borders or international waters, whose jurisdiction does it fall under?

**Research Objective:**

The research paper is aimed at discussing the international, regional and national laws (KPK/FATA, Pakistan) that simultaneously protect children's rights, yet directly or indirectly contribute to this issue due to lack of proper implementation and its interpretation. It is crucial to decide what relevant legal standards apply especially based on their status as children and whether children should be treated as victims or perpetrators? Whether they can be detained or prosecuted? What if such acts are committed by child soldiers or by special forces or peace keepers outside their territory? Then, where the reach of the law where offences committed by children are concerned, there is seen a contrast with the lawlessness of the high seas where slavery, child labour and risk of death are common. When rights violations occur within a country's territory, accountability can be sought but when on disputed borders or international waters, the whole dimension changes? A momentum is gaining for protecting children in armed conflicts. Various case studies and events will be discussed to better explain how there is a shift from the victimhood to perpetrator-hood dimension.

This dissertation will seek to conclude how there are gaps in the interpretation and implementation to child rights in armed conflicts internationally and with a particular focus in KPK/FATA Pakistan, as there is limited research on this topic. Also, how this lack of proper classification and status of individuals classified as children, making it difficult to treat children as victims or perpetrators. As it is stemming in the difficulties of classification of conflicts rather than with absence of adequate laws.

**A free choice  
or  
circumstances?**

**Methodology:**

This will be done through Focus Group Discussions, key Informant interviews and also through identifying case laws and case studies to better explain this issue and show the current developments with regards to implementation and interpretation, both internationally and nationally (KPK/FATA Pakistan).

**References:**

- O'Neil, Tom, and Dawn Zinga, 'Children's Rights: Multidisciplinary Approaches to Participation and Protection' (Ed. University of Toronto Press 2008)
- René Provost, 'Targeting Child Soldiers' (2016) 1(1) EJLT <<http://www.ejiltalk.org/targeting-child-soldiers/>> accessed 27 January 2016
- Cherif Bassiouni, 'The New Wars and the Crisis of Compliance with the Law of Armed Conflict by Non-state Actors' (2008) 98 J(3) The Journal of Criminal Law and Criminology <<http://www.jstor.org/stable/pdf/40042787.pdf?acceptTC=true>> accessed on 01 February 2016
- Child Rights International Network, 'The Year in Children's Rights' (2015) <[https://www.crin.org/sites/default/files/crin\\_annual\\_report\\_2015\\_10\\_sep\\_0.pdf](https://www.crin.org/sites/default/files/crin_annual_report_2015_10_sep_0.pdf)> accessed 02 February 2016
- UNICEF, Machel Study 10-Year Strategic Review: Children and Conflicts in a Changing World (2009) <[https://childrenandarmedconflict.un.org/publications/MachelStudy-10YearStrategicReview\\_en.pdf](https://childrenandarmedconflict.un.org/publications/MachelStudy-10YearStrategicReview_en.pdf)> accessed 18/1/16
- Picture <<https://pixabay.com/en/child-soldiers-war-china-chinese-62923/>>